

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

David L. Patton, et al

AUTHENTICATION USING  
NEAR-FIELD OPTICAL  
IMAGING

Serial No.

Filed

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Group Art Unit:

Examiner:

Express Mail Label No.: EV 293 538 055 US

June 23, 2003  
Date

Sir:

**PRELIMINARY REMARKS**

The Examiner in the final rejection in the parent application maintained the rejection of claims 1, 2, 5, 6 and 10-17 for the reasons set forth therein. The Examiner in response to applicants' prior arguments rebutted applicants' by stating that applicants broadly recited micro-discreet products having a predetermined image thereon. The Examiner goes on to state that Royer clearly discloses this in column 4, lines 12-31. Applicants respectfully disagrees with the Examiner's statement.

First, as clearly set forth in independent claim 1, the micro-discreet have a size no greater than 20 microns. In addition to the products being extremely small, the images provided thereon have a size no greater than 10 microns. What is illustrated in Royer is an area 90A-90J wherein markings can be provided. These markings are designed to physically set off the segmented members from the remaining front face. See column 4, lines 18-20. Thus, these are designed to be clearly and visually perceptible. This is in contrast to the extreme small sizes of the particles and the images thereon. Thus, it could not teach or suggest the micro-discreet particles as taught and claimed by applicants.

In view of the foregoing, applicants respectfully submits that these claims presented herein are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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